IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL WRIT PETITION NO.1250 OF 2006

Mr.Sidramappa Malkappa Patil : Petitioner.

versus

The Assistant Police Inspector

Akkalkot and ors. : Respondents.

Mr.S.G.Kudle for the petitioner.

Mr.V.B.Konde-Deshmukh for the State.

CORAM : D.G.DESHPANDE

S.A.BOBDE, JJ.

DATED : JUNE 29, 2006.

P.C.

1. Heard advocate Mr.Kudle, appearing for the petitioner and learned APP for the State. The learned APP has pointed out to us two judgments of the Supreme Court reported in **(1996) 11 SCC 582 (All India Institute of Medical Sciences Employees' Union (Regd) Through its**

President v/s. Union of India and ors. and (2004) 7 SCC 768 (Gangadhar Janardan Mhatre v/s. State of Maharashtra & ors.) and contended that, as has been done by this Court in past, the petitioner should be directed to approach the Magistrate. Mr.Kudle for the petitioner contended that if every complainant, coming before this Court, is directed to approach the Magistrate, then the courts of the Magistrate will be flooded with the complaints and the police will have no work. This argument of Mr.Kudle may be attractive but in view of the aforesaid judgments of the Supreme Court we are unable to accept the same. Therefore, following these two judgments of the Supreme Court, which are also followed by the Supreme Court in another judgment reported in **2006 (4) SCC 359, (Minu Kumari and another v/s. State of Bihar and others)** the petition is disposed of with liberty to the petitioner to approach the Magistrate. If such a complaint is made before the Magistrate, the Magistrate will decide the same as expeditiously as possible in accordance with law.

[D.G.DESHPANDE,J]

[S.A.BOBDE, J]